

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 * * *

4 Sergey Mkhitarian,

Case No. 2:22-cv-00221-JAD-BNW

5 Plaintiff,

ORDER

6 v.

7 County of Clark,

8 Defendant.
9
10

11 *Pro se* Plaintiff filed documents initiating this case on February 4, 2022. ECF No. 1.
12 Plaintiff paid the filing fee, but he is a prisoner suing a government entity. *See id.* Accordingly,
13 under 28 U.S.C. § 1915A, the Court must screen Plaintiff's complaint.

14 **I. ANALYSIS**

15 **A. Screening standard**

16 In screening the complaint, a court must identify cognizable claims and dismiss claims
17 that are frivolous, malicious, fail to state a claim on which relief may be granted or seek monetary
18 relief from a defendant who is immune from such relief. 28 U.S.C. § 1915(e)(2). Dismissal for
19 failure to state a claim under § 1915(e)(2) incorporates the standard for failure to state a claim
20 under Federal Rule of Civil Procedure 12(b)(6). *Watson v. Carter*, 668 F.3d 1108, 1112 (9th Cir.
21 2012). To survive § 1915 review, a complaint must "contain sufficient factual matter, accepted as
22 true, to state a claim to relief that is plausible on its face." *See Ashcroft v. Iqbal*, 556 U.S. 662,
23 678 (2009). The court liberally construes *pro se* complaints and may only dismiss them "if it
24 appears beyond doubt that the plaintiff can prove no set of facts in support of his claim which
25 would entitle him to relief." *Nordstrom v. Ryan*, 762 F.3d 903, 908 (9th Cir. 2014) (quoting *Iqbal*,
26 556 U.S. at 678).

27 In considering whether the complaint is sufficient to state a claim, all allegations of
28 material fact are taken as true and construed in the light most favorable to the plaintiff. *Wylar*

1 *Summit P'ship v. Turner Broad. Sys. Inc.*, 135 F.3d 658, 661 (9th Cir. 1998) (citation omitted).
2 Although the standard under Rule 12(b)(6) does not require detailed factual allegations, a plaintiff
3 must provide more than mere labels and conclusions. *Bell Atlantic Corp. v. Twombly*, 550 U.S.
4 544, 555 (2007). A formulaic recitation of the elements of a cause of action is insufficient. *Id.*
5 Unless it is clear the complaint's deficiencies could not be cured through amendment, a pro se
6 plaintiff should be given leave to amend the complaint with notice regarding the complaint's
7 deficiencies. *Cato v. United States*, 70 F.3d 1103, 1106 (9th Cir. 1995).

8 **B. Screening the Complaint**

9 The Court reviewed Plaintiff's complaint. *See* ECF No. 1. What exactly Plaintiff is
10 alleging and trying to bring suit for is unclear. *See id.* Plaintiff makes various allegations (all
11 seemingly related to his underlying criminal case) ranging from Defendant illegally raising his
12 bail, disobeying orders, delaying the production of *Brady* material, violating international law by
13 kidnapping Plaintiff, filing an indictment without dismissing an information, violating Plaintiff's
14 speedy trial rights, the court lacking jurisdiction, etc. *See id.*

15 Even liberally construing Plaintiff's complaint, the Court is unable to determine exactly
16 what claims Plaintiff is attempting to allege and cannot evaluate whether Plaintiff states any
17 claims for relief. Accordingly, the Court will dismiss Plaintiff's complaint without prejudice and
18 with leave to amend to file a more manageable complaint. *See Dietz v. Bouldin*, 136 S.Ct. 1885,
19 1891 (2016) (holding that the Supreme Court "has long recognized that a district court possesses
20 inherent powers that are 'governed not by rule or statute but by the control necessarily vested in
21 courts to manage their own affairs so as to achieve the orderly and expeditious disposition of
22 cases.'"). To help Plaintiff file a properly formatted complaint, the Court now advises Plaintiff of
23 the following requirements under the Federal Rules of Civil Procedure. Plaintiff is also advised
24 that failure to comply with these rules when drafting and filing his amended complaint may result
25 in this action being dismissed.

26 First, Plaintiff is advised that he must specify which claims he is alleging against which
27 defendant(s). Although the Federal Rules of Civil Procedure adopt a flexible pleading policy,
28 Plaintiff still must give defendants fair notice of each of the claims he is alleging against each

1 defendant. Specifically, he must allege facts showing how each named defendant is involved and
2 the approximate dates of their involvement. Put another way, Plaintiff should tell the Court, in
3 plain language, what each defendant did to him and when. “While legal conclusions can provide
4 the framework of a complaint, they must be supported with factual allegations.” *Ashcroft v. Iqbal*,
5 556 U.S. 662, 679 (2009).

6 Second, Plaintiff’s amended complaint must be short and plain. The simpler and more
7 concise Plaintiff’s complaint, the easier it is for the Court to understand and screen it. The Federal
8 Rules also require this. Under Federal Rule of Civil Procedure 8, Plaintiff’s amended complaint
9 must contain “a short and plain statement of the claim showing that [Plaintiff] is entitled to
10 relief.” Fed. R. Civ. P. 8(a)(2). “Each allegation must be simple, concise, and direct.” Fed. R.
11 Civ. P. 8(d)(1). “A party must state its claims or defenses in numbered paragraphs, each limited
12 as far as practicable to a single set of circumstances.” Fed. R. Civ. P. 10(b). “[E]ach claim
13 founded on a separate transaction or occurrence . . . must be stated in a separate count.” *Id.*

14 Third, Plaintiff may not raise multiple unrelated claims in a single lawsuit. The Federal
15 Rules of Civil Procedure do not permit a litigant to raise unrelated claims involving different
16 defendants in a single action. A basic lawsuit is a single claim against a single defendant. Federal
17 Rule of Civil Procedure 18(a) allows a plaintiff to add multiple claims to the lawsuit when those
18 claims are against the same defendant. Federal Rule of Civil Procedure 20(a) allows a plaintiff to
19 add multiple parties to a lawsuit where the right to relief arises out of the “same transaction,
20 occurrence, or series of transactions or occurrences.” Fed. R. Civ. P. 20(a)(2)(A). “However,
21 unrelated claims that involve different defendants must be brought in separate lawsuits.” *Bryant v.*
22 *Romero*, No. 1:12-CV-02074-DLB PC, 2013 WL 5923108, at *2 (E.D. Cal. Nov. 1, 2013) (citing
23 *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007)). This rule is intended to avoid confusion,
24 which arises out of bloated lawsuits.

25 Lastly, Plaintiff’s amended complaint must be complete in and of itself. If Plaintiff
26 chooses to file an amended complaint, he is advised that an amended complaint supersedes the
27 original complaint and, thus, the amended complaint must be complete by itself. *See Hal Roach*
28 *Studios, Inc. v. Richard Feiner & Co., Inc.*, 896 F.2d 1542, 1546 (9th Cir. 1989) (holding that

1 “[t]he fact that a party was named in the original complaint is irrelevant; an amended pleading
2 supersedes the original”); *see also Lacey v. Maricopa Cnty.*, 693 F.3d 896, 928 (9th Cir. 2012)
3 (holding that for claims dismissed with prejudice, a plaintiff is not required to reallege such
4 claims in a subsequent amended complaint to preserve them for appeal). Plaintiff’s amended
5 complaint must contain all claims, defendants, and factual allegations that Plaintiff wishes to
6 pursue in this lawsuit. Moreover, Plaintiff must file his amended complaint on this Court’s
7 approved form, which the Clerk of Court will send Plaintiff.


8 **II. CONCLUSION**

9 **IT IS THEREFORE ORDERED** that Plaintiff’s complaint (ECF No. 1) is dismissed
10 without prejudice and with leave to amend.

11 **IT IS FURTHER ORDERED** that the Clerk of Court shall mail Plaintiff a copy of the
12 prisoner, *pro se* form complaint.

13 **IT IS FURTHER ORDERED** that if Plaintiff chooses to amend his complaint, he must
14 do so by March 8, 2022. If Plaintiff chooses not to amend his complaint, this Court will
15 recommend that his case be dismissed.

16
17 DATED: February 8, 2022.

18 
19 _____
20 BRENDA WEKSLER
21 UNITED STATES MAGISTRATE JUDGE
22
23
24
25
26
27
28